

Notice of Allowability

Application No.

10/757,162

Examiner

Shelley Self

Applicant(s)

WIXEY ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/30/04.
2. ☒ The allowed claim(s) is/are 24-61.
3. ☒ The drawings filed on 14 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

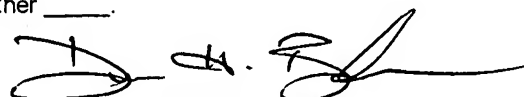
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- Specification, pg. 1, line 2, following "May 2, 2003," insert --now U.S. Patent No. 6,708,744—
- Specification, pg. 1, line 3, following, "April 17, 2002," inserts --now U.S. Patent No. 6,601,621—

Allowable Subject Matter

Claims 24-61 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose a power planer comprising a carriage elevation mechanism having nut assemblies and a threaded adjustment portion and a locking mechanism in which the nut assembly are *engaged to the threaded adjustment portions to inhibit rotation of the nut assemblies, the locking mechanism also being operable in a disengage condition which does not inhibit rotation of the nut assemblies* in combination with the rest of the claimed elements as set forth in claim 24.

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Also the prior art of record does not disclose a planer comprising a plurality of threaded structures; a plurality of guide posts, wherein one of the plurality of threaded structures and the plurality of guide posts is maintained in a non-rotating condition relative to the base, wherein the other one of the plurality of threaded structures and the plurality of guided posts is operable in a first condition, and a *second condition, wherein the other one of the plurality of threaded structures and the plurality of guide posts is frictionally engaged to the one of the plurality of threaded structures and the plurality of guide posts to thereby inhibit relative rotation between the threaded structures and the guide posts* as set forth in claim 38.

The prior art reference, Chiang disclose a planer comprising a guide posts, a cutterhead carried via a vertically moveable carriage assembly and means for locking the carriage assembly at a desired height. Chiang disclose a locking mechanism including clamps, a linkage and engaging members associated with the guideposts, such that the clamp provides a clamping force on the guidepost for preventing vertical movement of the carriage assembly.


Chiang does not disclose a threaded adjustment portion of the guide post and nut assemblies frictionally engaged to the threaded adjustment portions. Accordingly the prior art of record fails to disclose or fairly suggest the claimed invention as set forth in claims 24 and 38. Therefore, claims 24-61 are patentable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf 
February 4, 2005


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